

137195

DEPT. OF TRANSPORTATION

J.K. Technologies, L.L.C.
3500 Sweet Air Street
Baltimore, Maryland 21211
(410) 366-6332
(410) 366-7655 fax

01 AUG 24 AM 9:13

VIA FACSIMILE AND FEDERAL EXPRESS

August 22, 2001

NHTSA-01-9628-10
NHTSA-01-9630-10

Ms. Marilyn Jacobs
Office Of Vehicle Safety Compliance
NHTSA
400 Seventh St., SW
Washington, DC. 20590

RE: Docket Numbers NHTSA 2001-9628 and NHTSA 2001-9630

Dear Ms. Jacobs:

JK Technologies, LLC ("JKT") writes this letter in response to comments set forth in the letter by Ferrari North America, Inc. ("FNA") dated August 10, 2001 responding to the petitions of J.K. Technologies for the 2001 Ferrari 550 models and 360 models.

Initially J.K. respectfully requests that FNA's request for additional time to respond to our petitions be denied. FNA was previously granted one extension after the time to respond to the J.K. Petitions had closed, despite the fact that FNA's initial request for an extension was not timely filed. Also, the reasons given for the extension request were not specifically safety related but rather based primarily on vacation schedules. FNA had thirty (30) days, during the petition comment period, in which to respond and then another fifty one (51) days in the extension to "prepare and provide complete and detailed responses to both petitions" as promised by FNA. We believe eighty-one days to be more than a reasonable amount of time for someone to respond.

As they state in their June 29, 2001 letter to the NHTSA, FNA is an "importer and distributor of Ferrari vehicles" in the United States for Ferrari SPA Italy. FNA is not the Original Manufacturer of parts or of the final product. J.K. would like to note that Ferrari SPA, the manufacturer of the cars, has chosen not to comment. It is only its distributor, FNA, which has responded to J.K.'s petitions.

FNA states that J.K.'s petition should be "denied" because, "after careful review," these models are "not substantially similar" and are "not capable of being readily altered to conform to all Federal Motor Vehicle Safety Standards." FNA states "the vehicles could not possibly be determined to be substantially similar to U.S. specification vehicles" because of "the dollar value of the U.S. specification parts that are needed to conform the vehicles to U.S. specifications." Cost has no bearing on these decisions. The Original Equipment Manufacturer ("OEM") sets

NHTSA-2001-9628, 9630

Page 2

the cost for these replacement parts and FNA is neither the Original Manufacturer of the parts nor the manufacturer of the car. Ferrari SPA, however, manufactures the car from parts supplied by hundreds of OEM's.

FNA's comments regarding the vehicle identification numbers warrant no response. J.K. has requested a ruling on all 360 and 550 models.

Though on the one hand FNA claims that these cars are not capable of being readily altered to conform with all federal motor vehicle safety standards, it goes on to admit that parts are available and can be changed to bring the cars into compliance. If, as FNA admits, one can add or change readily removable parts then, in fact, the cars are "substantially similar. Moreover, most of the parts referred to by FNA are car parts impacting emissions standards set by the EPA and have nothing to do with DOT safety regulations. Thus, they are irrelevant to DOT's consideration.."

FNA's claim that any modifications to the cars were done improperly because its records indicate that "no parts orders have been placed with either FNA or Ferrari SPA" is simply wrong. J.K. has purchased hundreds of thousands of dollars worth of parts (including lighting, dash, body and emissions parts) from several dealers in the USA. J.K. also acquires parts in Europe and Mexico directly from the OEM's such as Bosch, Hella, Dayco, Vescovini, Ansa, Veglia, and others. J.K. purchases wiring from Delphi (Pioneer) or Bosch. Indeed, neither FNA nor Ferrari SPA is the OEM for these "replacement" parts. Ferrari SPA sources parts from suppliers all over the world and assembles them into the 360 and 550. The parts that we source are the same exact parts that Ferrari SPA does, with correct part numbers embossed on them.

In its petition, J.K. specifies what modifications, if any, will need to be made to bring the cars in compliance with various Federal Motor Vehicle Safety Standards. In its petition, J.K. establishes that the cars meet many of the standards, with little or no modifications. FNA specifically challenges only four items. As demonstrated below, FNA's challenges are without merit.

FNA claims that "non-US specification Ferrari 550's do not contain any side impact intrusion bars, and have not been certified to meet FMVSS 214." In its petition, J.K. stated the following with regard to FMVSS 214:

Doorbars in these vehicles are identical to those in the USA model. All vehicles that enter the country must be inspected for compliance with this regulation due to varying standards throughout European communities. The replacement bars are available from manufacturer. Dynamic side impact structures on all the models are the same from all parts of the world. Each vehicle model has only one set of doors, sills, frames, etc.

J.K. included language that each car must be inspected for compliance because, contrary to the statement by FNA, some cars coming from many countries such as Canada, UAE, Saudi Arabia, and Mexico do have the door bars already in them. If necessary, the bars are added.

NHTSA-2001-9628, 9630

Page 3

As with all our reports, if door bars are added, then an engineering report is included to show that they are dimensionally identical and placed in the same stock location as the OEM bars.

With regard to FMVSS 301, FNA claims that "the fuel evaporative system in the vehicles are also different." That statement is true. However, within the evaporative system there is a rollover valve which controls fuel spillage after an impact. This rollover valve is the same for all parts of the world. It's placement and function within the system are also the same world wide. Thus, with respect to the point of DOT regulations the 360 and 550 lines are in compliance.

With regard to CFR 581, FNA claims that, "the Vehicles' bumpers, and mounting points for the bumpers are different." This statement is also only partially correct. In J.K.'s petition, it states:

The bumpers and the support structure for the bumpers on these vehicles are identical to the U.S. models. We do add small braces for support of the corner areas.

The mounting points that the bumpers bolt to are the same in all parts of the world. The bumpers themselves vary slightly for different countries. In Canada, Mexico, UAE, and Saudi Arabia the bumper systems we have inspected are the same. In Europe, the aluminum shims behind the bumpers must be replaced with the rubber shims and the corners of the bumpers must be reinforced to bring the vehicles into compliance with this FMVSS. These modifications have been included with all our 550 and 360 reports, as well as an engineering study showing their compliance. Each vehicle must be inspected to determine if any changes are necessary. (It should be noted that these minor bumper changes have been made for years to many different vehicles and have been accepted by DOT for years, as long as the engineering is, as it is here, provided.)

With regard to FMVSS 208, FNA states that the "seatbelts installed have not been certified," specifically identifying as an example the lack of a child tether for the child safety seat. FNA's statement is misleading. The cars from around the world must all be inspected for the child tether belts (65802500 and 65802400 TRW - 1030260201B 1030260201D). If they are not correct, then the belts must be changed. However, here again, many of the cars coming from around the world do, in fact, have the correct belts. Canada, Mexico, UAE, and Saudi Arabia are examples of countries that can have the correct belts. The correct belts are at all times available directly from TRW Europe. They are also available from Ferrari at times.

Due to the extreme amount of time it took for these petitions to be published, and the extensive eighty-one day comment period, we would like to request that the Administrator make an immediate determination on these two petitions since we have demonstrated that the 2001 550 Series Ferrari and 2001 360 Series Ferrari's are in fact "substantially similar" to the U.S. Certified models.

NHTSA-2001-9628, 9630

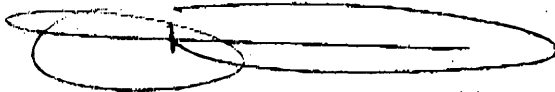
Page 4

We believe this situation has caused severe economic hardship on our clients, the American Public, and in order to keep them from being damaged further, we would like to request a response in the next five business days as clearly "time is of the essence."

Thank you very much for your kind attention to this answer.

Sincerely,

JK Technologies, LLC.

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke, enclosed within an oval shape.

By: Jonathan W. Weisheit, President